

GRANTOR:
RAY-UTLEY, LLC

TO

RIGHT-OF-WAY DEED

GRANTEE:
CITY OF SOUTHAVEN
A MUNICIPAL CORPORATION

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, I, MARK D. UTLEY, member OF THE RAY-UTLEY, LLC DO HEREBY CONVEY AND WARRANT UNTO THE CITY OF SOUTHAVEN, A MUNICIPAL CORPORATION, A RIGHT-OF-WAY TRACT ACROSS PREMISES, BELONGING TO SAID GRANTOR. SAID TRACT TO BE USED FOR THE PURPOSE OF IMPROVING AND MAINTAINING CHURCH ROAD AND ELMORE ROAD, AND BEING DESCRIBED AS FOLLOWS:

A PART OF TAX PARCEL # 9.9 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 7 WEST, IN DESOTO COUNTY, MISSISSIPPI, AS RECORDED IN DEED BOOK 472, PAGE 90, IN THE CHANCERY COURT CLERK'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE MARK D. UTLEY TRACT AS RECORDED IN DEED BOOK 472, PAGE 90; THENCE N00°29'21"W ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 350.89 FEET TO A POINT; THENCE N89°31'53"E A DISTANCE OF 18.05 FEET TO A POINT; THENCE S00°31'40"E A DISTANCE OF 203.73 FEET TO A POINT; THENCE S16°51'00"E A DISTANCE OF 120.15 FEET TO A POINT; THENCE S70°27'30"E A DISTANCE OF 66.25 FEET TO A POINT; THENCE S89°32'35"E A DISTANCE OF 319.21 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE S00°49'23"E A DISTANCE OF 10.02 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF CHURCH ROAD; THENCE N89°40'50"W ALONG SAID RIGHT OF WAY A DISTANCE OF 433.54 FEET TO THE POINT OF BEGINNING; CONTAINING 0.32 ACRES, MORE OR LESS.

ALSO:

A PERMANENT DRAINAGE EASEMENT

SAID EASEMENT IS ON THE ABOVE DESCRIBED PARCEL. THIS PERMANENT DRAINAGE EASEMENT IS FOR THE PUPOSE OF IMPROVING DRAINAGE ALONG CHURCH ROAD AND BEING MORE PARTICULARLY DESCRIBED AS :

BEGINNING AT A POINT THAT IS N00°49'23"W A DISTANCE OF 25.02 FEET AND N89°32'35"W A DISTANCE OF 342.81 FEET FROM THE SOUTHEAST CORNER OF THE MARK D. UTLEY TRACT AS RECORDED IN DEED BOOK 472, PAGE 90; THENCE S00°27'25"W A DISTANCE OF 6.72 FEET TO A POINT; THENCE N70°27'30"W A DISTANCE OF 40.92 FEET TO A POINT; THENCE S89°32'35"E A DISTANCE OF 38.67 FEET TO A POINT; THENCE S00°27'25"W A DISTANCE OF 6.66 FEET TO THE POINT OF BEGINNING; CONTAINING 258.68 SQUARE FEET, MORE OR LESS.

ALSO:

A TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTUCTION EASEMENT IS ON THE ABOVE DESCRIBED PARCEL AND IS FOR THE PURPOSES OF PROVIDING INGRESS, EGRESS, STORAGE OF MATERIALS AND EQUIPMENT, AND WORK AREAS DURING THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS. THIS EASEMENT WILL BECOME NULL AND VOID UPON COMPLETION OF THE PROJECT, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE MARK D. UTLEY TRACT AS RECORDED IN DEED BOOK 472, PAGE 90, SAID POINT BEING N00°49'23"W A DISTANCE OF 10.02 FEET FROM THE SOUTHEAST CORNER OF SAID TRACT; THENCE N89°32'35"W A DISTANCE OF 319.21 FEET TO A POINT; THENCE N70°27'30"W A DISTANCE OF 25.33 FEET TO A POINT; THENCE N00°27'25"E A DISTANCE OF 6.72 FEET TO A POINT; THENCE S89°32'35"E A DISTANCE OF 342.81 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE S00°49'23"E ALONG SAID EAST LINE A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.12 ACRES, MORE OR LESS.

AND

BEGINNING AT A POINT ON THE NORTH LINE OF THE MARK D. UTLEY TRACT AS RECORDED IN DEED BOOK 472, PAGE 90, SAID POINT BEING N89°31'53"E A DISTANCE OF 18.05 FEET FROM THE NORTHWEST CORNER OF SAID TRACT; THENCE N89°31'53"E ALONG SAID NORTH LINE A DISTANCE OF 10.00 FEET TO A POINT; THENCE S00°31'40"E A DISTANCE OF 237.87 FEET TO A POINT; THENCE N16°51'00"W A DISTANCE OF 40.79 FEET TO A POINT; THENCE N00°31'40"W A DISTANCE OF 203.73 FEET TO THE POINT OF BEGINNING; CONTAINING 0.05 ACRES, MORE OR LESS.

INDEXING INSTRUCTIONS: THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 7 WEST.

City Sk

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THIS AGREEMENT TOGETHER WITH OTHER PROVISIONS OF THIS GRANT SHALL CONSTITUTE A COVENANT RUNNING WITH THE LAND FOR THE BENEFIT OF THE GRANTEE, ITS SUCCESSORS AND ASSIGNS. THE GRANTOR DOES COVENANT THAT HE IS THE OWNER OF THE ABOVE MENTIONED LAND AND THAT SAID LAND IS FREE AND CLEAR OF ALL ENCUMBRANCES AND LIENS EXCEPT THE FOLLOWING: _____

THE GRANTOR FULLY UNDERSTANDS THAT HE IS ENTITLED TO BE DULY COMPENSATED FOR THE PROPERTY CONVEYED HEREIN, BUT GRANTOR DESIRES TO DONATE SAME TO THE CITY AND DOES HEREBY WAIVE THE RIGHT TO COMPENSATION.

EXECUTED AND DELIVERED THIS 21 DAY OF MAY, 2007

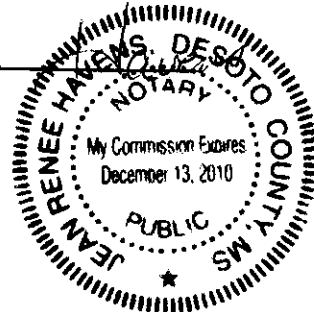
Mark D. Utley

STATE OF MISSISSIPPI
COUNTY OF DESOTO

THIS DAY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, THE WITHIN NAMED MARK D. UTLEY WHO ACKNOWLEDGED THAT HE IS MEMBER OF THE RAY-UTLEY, LLC AND THAT FOR AND ON BEHALF OF SAID COMPANY, AND AS ITS ACT AND DEED, HE EXECUTED THE ABOVE AND FOREGOING INSTRUMENT ON THE DAY AND YEAR THEREIN MENTIONED FOR THE PURPOSES THEREIN EXPRESSED, AFTER FIRST HAVING BENN DULY AUTHORIZED BY SAID CORPORATION SO TO DO.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE THIS THE 21ST DAY OF MAY 2007.

John R. Rouse
NOTARY PUBLIC



MY COMMISSION EXPIRES: _____

GRANTEE'S ADDRESS:
CITY OF SOUTHAVEN
8710 NORTHWEST DRIVE
SOUTHAVEN, MS. 38671
WK.TEL: (662) 280-2489
HM.TEL: N/A

GRANTOR'S ADDRESS:
P.O. 866
OLIVE BRANCH, MS
38654
WK.TEL.: 662-895-0099
HM.TEL: N/A

PREPARED BY AND RETURN TO:
CITY ATTORNEY'S OFFICE
8710 NORTHWEST DRIVE
SOUTHAVEN, MS. 38671
WK.TEL: (662) 280-2489
HM. TEL: N/A